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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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|-----------------|-------------|----------------------|---------------------|

08/136,760 10/15/93 UDDENFELDT J 027500690

LM61/0122

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| EXAMINER |
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SAFDUREK, B

| ART UNIT | PAPER NUMBER |
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2732

22

DATE MAILED:

01/22/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

06/136760

Applicant(s)

Uddenfe ldt et al

Examiner

Safourek

Group Art Unit

2732

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on September 17, 1997 and October 20, 1997.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-63 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-63 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 20-22
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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1. The amendment of October 15, 1993, adding claims 11-14,; the amendment of February 8, 1996, adding claims 15-20,; the amendment of October 15, 1996, adding claims 21-36,; the amendment of September 25, 1997, adding claims 37-62,; and the amendment of October 20, 1997, adding claim 63, does not contain an explanation of support as required by 37 C. F. R. 1.121(b)(2)(iii).
2. The latest declaration was received on September 25, 1997. Paragraph 46 of this declaration states that "each of the foregoing errors arose without any deceptive intent" rather than the now required statement that any error arose without any deceptive intent. Claim 63 is not covered by any declaration.
3. In accordance with 37 CFR 1.175(b)(1), a supplemental reissue oath or declaration under 37 CFR 1.175(b)(1) must be received before this reissue application can be allowed.
4. Claims 1 - 63 are rejected as being based upon a defective reissue declaration under 35 U. S. C. 251. See 37 CFR 1.175. The nature of the defect is set forth in the immediately-above paragraphs.
5. Receipt of an appropriate supplemental oath or declaration under 37 CFR 1.175(b)(1) will overcome this rejection under 35 U. S. C. 251. An example of acceptable language to be used in the supplemental oath or declaration is as follows:

"Every error in the patent which was corrected in the present reissue application, and is not covered by the prior declarations submitted in this application, arose without any deceptive intention on the part of the applicant."

Serial Number: 08/136,760

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to B. V. Safourek whose telephone number is (703) 305-4364. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Olms, can be reached on (703) 305-4703. The fax phone number for this Group is (703) 305-9501.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Benedict V. Safourek

BENEDICT V. SAFOUREK
PRIMARY EXAMINER
GROUP 2732